

Service Date: September 17, 1999

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

IN THE MATTER OF the Application of	)	UTILITY DIVISION
BridgeBand Communications, Inc. and	)	
U S WEST Communications, Inc.	)	DOCKET NO. D99.6.146
Pursuant to Section 252(e) of the	)	
Telecommunications Act of 1996 for	)	ORDER NO. 6193a
Approval of their Service Resale Agreement	)	

**SUPPLEMENTAL ORDER**

On July 22, 1999 the Montana Public Service Commission (Commission) issued a Final order approving the Interconnection Agreement in this Docket. However, the Commission indicated in that Order that, because it was pressured to expedite the issuance of the Order, staff questions on the Agreement should be answered by the parties and, "If the answers to the questions cause the Commissioners to conclude that this Agreement should be amended, direction will be given in a supplemental order." Order No. 6193 at 7.

Following review of the answers to staff questions the Commission directs that one provision of the Agreement be deleted and two others be modified.

At Section (D)1.1.4, page 58, the Agreement contains the following, "In order to address issues around warehousing of space, the original collocator will not be allowed to charge the shared occupant a per square foot charge in excess of the rate that the original collocator is presently charged by USW. There are some limitations set on the original collocator as to rates and terms of the arrangement such as a per square foot charge not exceeding the recurring amount that USW is charging." Potentially, this provision would disallow the original collocator, in this case Bridegband, from sub-leasing central office space to subsequent collocators, at a price in excess of what the original collocator has agreed, in those instances where physical collocation is not possible because central office space has been exhausted. This

provision clearly has the potential to discriminate against a carrier not a party to the agreement and is not in the public interest.

In addition, Sections (D)2.1.16 (p. 62) and (G)12.2 (p. 187) should be modified to indicate that USW will initiate construction at its discretion, unless otherwise required by law. This will make these sections consistent with Section (B)2.12 (p.34).

#### CONCLUSIONS OF LAW

This Order adopts by reference the Conclusions of Law at Order No. 6193 in this Docket.

#### SUPPLEMENTAL ORDER

Therefore, based upon the foregoing, the following Supplemental Order to Order No. 6193 is made as follows:

1. The final two sentences of section (D)1.1.4 of the Agreement are rejected and should be deleted;
2. Sections (D)2.1.16 and (G)12.2 should be modified to indicate that U S West will initiate construction at its discretion, unless otherwise required by law.
3. The parties shall file amendments incorporating the direction in this Supplemental Order within 30 days of the service date.

DONE AND DATED this 14th day of September, 1999, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

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DAVE FISHER, Chairman

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NANCY McCaffree, Vice-Chair

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BOB ANDERSON, Commissioner

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GARY FELAND, Commissioner

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BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson  
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See ARM 38.2.4806.